

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONNA LEE ANDREWS,

Plaintiff,

v.

KELLY VANG LY,

Defendant.

Case No. 1:24-cv-00602-KES-EPG

ORDER RE: CASE PROCEEDS WITH
KELLY VANG LY AS THE CORRECT
DEFENDANT

(ECF Nos. 31, 33)

Plaintiff Donna Lee Andrews is proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C § 1983.

Before the Court is Plaintiff's declaration that Defendant Kelly Vang Ly is not the correct defendant filed on September 24, 2025. (ECF No. 31). Plaintiff asserts that the Central California Women's Facility (CCWF) provided an incorrect defendant. Specifically, the current defendant, RN Kelly Ly, is not the correct defendant, and that the correct defendant is an RN with the last name "Lee." (*Id.*, p. 1).

On September 25, 2025, the Court ordered Defendant to respond to Plaintiff's declaration. (ECF No. 32). On October 8, 2025, Defendant filed a response to Plaintiff's declaration, in which Defendant claims that after "a review of CCWF's employee roster and relevant documents, and a search conducted by personnel and medical staff, there was no RN with the name 'Lee' who worked at CCWF following Plaintiff's hip replacement in 2023." (ECF No. 33, p.2). Notably, Defendant states that RN Ly's name is phonetically pronounced the same as "Lee." (*Id.*).

1 Defendant included a declaration, filed under the penalty of perjury, made by CWWF's litigation
2 coordinator, D. Meyers, supporting Defendant's claim that Defendant Ly is the correct defendant.
3 (ECF No. 33-1, p.2).

4 The Court will take no further action on Plaintiff's declaration. Defendant has submitted a
5 declaration, filed under the penalty of perjury, indicating that Defendant Ly worked a shift at SNF
6 while Plaintiff was housed there following her hip replacement. (ECF No. 33-1, p.2).
7 Furthermore, there is no other "Lee" that fits Plaintiff's description. As such, based on the
8 information available to the Court, the current defendant, Kelly Vang Ly, is the only individual
9 fitting the description of the defendant described in Plaintiff's complaint.

10 Therefore, the case will proceed with Kelly Vang Ly as defendant on the claim of
11 Deliberate Indifference to Serious Medical Needs in violation of the Eighth Amendment. (ECF
12 Nos. 12, 13).

13 If Plaintiff continues to believe that Defendant Kelly Ly is not the correct individual who
14 was involved in the incident in question, Plaintiff may file a notice of voluntary dismissal of
15 Defendant Ly. Plaintiff may also seek discovery from Defendant Ly, or any third parties, to
16 further determine the identify and location of the person Plaintiff believes violated her
17 constitutional rights. If Plaintiff locates another such person, Plaintiff may file a motion to amend
18 or substitute to assert claims against that other individual and seek to have the complaint served
on that individual.

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20 IT IS SO ORDERED.

21 Dated: November 17, 2025

22 /s/ *Eric P. Groj*
23 UNITED STATES MAGISTRATE JUDGE
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